

REMARKS

Applicant respectfully requests reconsideration of the present U.S. Patent application. Claims 17-21, 23-27 and 29-33 stand rejected under 35 U.S.C. § 103. Claims 17, 23 and 29 have been amended. No claims have been canceled or added. Thus, by this amendment, claims 17-21, 23-27 and 29-33 remain pending.

Claim Rejections - 35 U.S.C. § 103Rejection of Claims 17-21, 23-27 and 29-33 Based on *Kuzma* in view of *Manning*

Claims 17-21, 23-27 and 29-33 were rejected as being unpatentable over U.S. Patent No. 5,574,700 issued to *Kuzma* (*Kuzma*) in view of U.S. Patent No. 5,519,790 issued to *Manning* (*Manning*). For at least the following reasons, Applicant submits that claims 17-34 are not rendered obvious by *Kuzma* and *Manning*.

Amended claim 17 recites:

eliminating frames having pixel data that fail to differ from the pixel data of the captured frame by more than the threshold amount.

Amended claim 23 is directed to an article of manufacture comprising a machine accessible medium having instructions stored thereon, and recites a similar limitation.

Amended claim 29 is an apparatus claim, and recites a similar limitation. A proper rejection under 35 U.S.C. § 103 requires that a prior art reference, or references when combined, must teach or suggest all of the claim limitations of the rejected claim. See MPEP § 2143.

*Kuzma* discloses an encoding technique using a key (i.e., reference) frame to determine whether subsequent frames are still or moving picture frames, and what strategy to use to encode/decode the frames. See, e.g., col. 2, lines 25 to 29; col. 5, lines 11 to 20 and lines 49 to 65; col. 6, lines 30 to 33; col. 7, lines 16 to 34.

Applicant agrees with the Examiner that *Kuzma* does not teach sending the captured frames to a display object, wherein the non-captured frames are discarded. See Office Action, page 2, last paragraph. However, Examiner asserts that "one of ordinary skill in the art will recognize that proceeding from decision block 36 to decision block 37 in Fig. 2a [is] equivalent to discarding of the frame in Applicant's disclosure." See Office Action, page 3, first paragraph. Thus, Examiner contends that "it would have been obvious to one of ordinary skill in the art to use the *Manning* approach in the *Kuzma* method." See Office Action, page 3, first paragraph.

*Manning* discloses establishing a key frame and comparing a next frame to the key frame to determine whether the next frame is another key frame. See col. 2, lines 25-28. The next frame is another key frame when more than a predetermined portion of the pixels of the next frame differ from corresponding pixels of the original key frame by more than a predetermined threshold, as determined by a Pythagorean distance formula. See col. 2, lines 28-31; col. 3, lines 12-15. The comparison continues at one level until another key frame is determined, then the comparison occurs at a next level, by comparing the new key frame with frames that were not key frames at the previous level. See col. 2, lines 31-46.

By way of example, frame 100 in Fig. 3 of *Manning* is a key frame at one level, while frame 104 is designated a next frame and compared to the key frame 100. See col. 6, lines 33-40. It is determined that frame 104 should not be made a key frame, then frames 106 and 108 become next frames that are compared to key frame 100 and also not made key frames. See col. 6, line 33 – col. 7, line 8. However, frame 110 becomes a next frame, is compared to key frame 100, and is made a new key frame. See col. 7, lines

9-14. The level is set to go down to another level, and frames 100, 104, 106, 108 and 110 are designated as being available at the new level. Col. 7, lines 26-32. Thus, *Manning* does not disclose eliminating frames having pixel data that fail to differ from pixel data of a captured frame by more than a threshold amount.

With regard to block 36 and block 37 in Fig. 2a of *Manning*, which are deemed by Examiner as being the equivalent of discarding frames, if at block 36 it is determined that another frame is not available at a current level, at block 37 a record is made of a key frame's red, green and blue values for one frame. See col. 5, lines 59-65. At that point, thresholds may be adjusted to result in a greater number of frames being designated as key frames at another level. See col. 5, line 66 – col. 6, line 15. Thus, making a record of a key frame at one level, adjusting the thresholds and, as explained above, continuing the comparison at another level with frames that were not key frames at the prior level, does not suggest discarding frames. Accordingly, one of ordinary skill in the art would not recognize that proceeding from block 36 to block 37 is the equivalent of discarding frames as set forth in Applicant's disclosure, i.e., eliminating frames having pixel data that fail to differ from pixel data of a captured frame by more than a threshold amount.

For at least the reasons set forth above, *Manning* fails to cure the deficiencies of *Kuzma*. Consequently, no combination of *Manning* and *Kuzma* teaches or suggests all the limitations of claims 17, 23 and 29. Thus, claims 17, 23 and 29 are not rendered obvious by *Kuzma* in view of *Manning* for at least the reasons set forth above. Applicant therefore respectfully requests that the Examiner withdraw the rejection of claims 17, 23 and 29 under 35 U.S.C. § 103.

Claims 18-21 depend from claim 17. Claims 24-27 depend from claim 23.

Claims 30-33 depend from claim 29. Because dependent claims include the limitations of the claims from which they depend, Applicant submits that claims 18-21, 24-27 and 30-33 are not rendered obvious by *Kuzma* and *Manning* for at least the reasons set forth above.

### CONCLUSION

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, claims 17-21 and 23-27 and 29-33 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: Sept. 10, 2003

  
\_\_\_\_\_  
Joseph A. Pugh

Attorney for Applicant  
Reg. No. 52,137

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(503) 684-6200

RECEIVED  
CENTRAL FAX CENTER

SEP 11 2003

OFFICIAL